THE HON'BLE DR. JUSTICE G. YETHIRAJULU

WRIT PETITION No.14130 of 2004

Dt.14.12.2007

Between:

M/s Srinivasa Industries, Warangal.

..Petitioner

And

The Superintendent Engineer, Warangal, and others.

..Respondents

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

WRIT PETITION No.14130 of 2004

O R D E R:

This is a writ petition filed by the petitioner for declaring the action of the respondents in issuing Bills dated 01.03.2004 and dated 01.06.2004 seeking to collect low power factor surcharge amount of Rs.77,703.83ps as illegal, arbitrary and violative of the principles of natural justice.

The petitioner was issued Bills dated 01.03.2004 and 01.06.2004 mentioning the details of the power factor, meter reading, total consumption and monthly minimum charges etc., The petitioner is expected to install capacitors to maintain the level of power factor at 0.90. Whenever there is fall in the power factor, the respondent authorities are entitled to levy the surcharge and it varies depending upon the level of power factor. Since the respondent authorities found that there was low power factor, as it was 0.79 as on 01.03.2004 and 0.74 as on 01.06.2004, they are entitled to levy the surcharge. The petitioner contends that the low power factor depends on various factors and the same cannot be attributable to him, that he was not given an opportunity before recording the low power factor and that the low power factor was not measured in its quantity nor was recorded in his presence. He further contends that the low power factor surcharge is levied unilaterally without any enquiry and without preceded by any notice. As such, the imposition of low power factor surcharge is illegal

and violative of the principles of natural justice. The petitioner did not dispute the correctness of the reading at the time of inspection and the rate at which the surcharge is imposed is also not disputed. The only contention of the petitioner is that he was not given an opportunity before recording the low power factor, as the reading was not taken in his presence.

The learned standing counsel for the respondents submitted that the meter reading was taken in the presence of the petitioner and in pursuance of the same, the disputed Bills were issued to the petitioner giving all the details of the amounts proposed to be collected from the petitioner.

The petitioner did not allege in the writ petition that the amounts imposed are excessive or that the imposition of the low power factor surcharge is not in accordance with the provisions of law. The petitioner mentioned in the writ petition that he paid the amounts to avoid disconnection of electricity supply and the payment of the amounts levied under the low power factor surcharge does not disentitle him to challenge the imposition of the said amounts under the head ‘low power factor surcharge’. It is also mentioned that the petitioner has been paying the total amounts of all bills including the amounts levied under low power factor surcharge. After going through the contents of the writ petition, I am of the view that the petitioner did not make out any case to hold that the low power factor surcharge imposed by the respondents is illegal or that he is entitled for Rs.77,703.83ps which was paid by him towards the low power factor surcharge.

I do not find any illegality in the impugned order and there are no

grounds to grant the relief in this writ petition.

The writ petition is accordingly dismissed. No costs.

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(**Dr.G. YETHIRAJULU, J**)

Dt.14.12.2007
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